

SWPPP Approval and Annual Certification Requirements

As the authorized Caltrans representative on a construction project, the Resident Engineer (RE) is responsible for initial approval and annual certification of the project Storm Water Pollution Prevention Plan (SWPPP). This bulletin summarizes the requirements for SWPPP approval and annual certification as detailed in the *Storm Water Pollution Prevention Plan (SWPPP)* and *Water Pollution Control Program (WPCP) Preparation Manual*.

Initial SWPPP Approval

The initial SWPPP must be approved by the RE prior to the start of construction on the project. Conditional approval may be given while revisions to the SWPPP are made. Only non-earth disturbing activities are permitted until full approval is granted.

The contractor is responsible for preparing the SWPPP and submitting it to the RE for approval. Section 100.1 of the submitted SWPPP contains the *Initial SWPPP Certification*, which is completed and signed by a contractor's authorized representative prior to submittal to the RE.

The RE is responsible for ensuring that the submitted SWPPP meets requirements of applicable National Pollutant Discharge Elimination System (NPDES) permits and any other water pollution control requirements applicable to the project. Once the SWPPP meets requirements, the RE signs and dates the *Resident Engineer's Approval and Caltrans Certification of the SWPPP* provided in Section 100.2 of the SWPPP and prints his/her name and telephone number in the spaces indicated.

Annual SWPPP Certification of Compliance

For on-going construction projects, certification that construction activities comply with both the requirements of applicable NPDES permits and the SWPPP is required annually. The contractor is responsible for preparing and submitting an *Annual Certification of Compliance* to the RE by June 15 th of each year. Attachment M of the SWPPP (based on the November 2000 Manual) or Attachment J of the SWPPP (based on the 1997 Manual) contains the blank certification form to be used by the contractor. The contractor's certification is based on the results of the contractor's site inspections conducted throughout the preceding year as required in the project SWPPP.

The RE is responsible for approving the contractor's annual certification. To do so, the RE must verify that the project meets both of the following criteria:

- Storm water pollution control measures are being implemented in accordance with the SWPPP approved for the project.
- The project site and activities thereon are in compliance with the Caltrans Statewide NPDES Permit No. CAS000003, the NPDES General Permit No. CAS000002, or local NPDES permits, whichever is applicable.

If the project meets both criteria, the RE signs and dates the *Certification by Caltrans* statement at the bottom of the contractor's certification and the approved form is placed in Section 100.3 of the SWPPP. The District Construction Storm Water Coordinator may also request that the RE submit a copy of the approved certification in order to monitor compliance with this annual certification requirement.

"Signature Required"

The RE's certification statement (shown below) for both the initial SWPPP approval and annual certification contain identical language. The RE is often reluctant to sign this statement because the RE interprets the certification statement below as though the SWPPP or annual certification was prepared under the direction or supervision of the RE. This interpretation is incorrect. By signing the Caltrans certification statement of the initial SWPPP, the RE is approving the SWPPP, and concurring that the initial SWPPP contains all the elements required by the General Construction Permit. By signing the annual certification, the RE is concurring that the SWPPP is effectively implemented.

The provided statement is the one required to comply with the NPDES permits under which Caltrans conducts its construction activity, and must be signed by the RE. Caltrans projects working without an approved SWPPP or up-to-date certifications run the risk of being cited by state and federal regulators for noncompliance.

Certification Statement

Resident Engineer's Approval and Caltrans Certification of the Storm Water Pollution Prevention Plan or Approval by the Resident Engineer for the Annual Certification of Compliance

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If the project fails to meet one or both of the above criteria, the RE must do the following:

- File a notice of non-compliance within 30 days
- Document the follow-up actions to be taken by the RE in the space indicated on the annual certification form
- Notify the contractor of the non-compliance
- Initiate corrective actions in accordance with the project contract

